

SECTION 3 SPECIAL DISTRICTS

2.01 SUP or "S" - SPECIFIC USE PERMITS

2.02 SPECIFIC USES:

The City Council by an affirmative vote may, after public hearing and proper notice to all parties affected, and after recommendations from the Planning and Zoning Commission that the uses are in general conformance with the Comprehensive Plan and general objectives of the City and containing such requirements and safe guards as are necessary to protect adjoining property, authorize application and shall be accompanied by a site plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size, height, construction materials, and locations of buildings and the uses to be permitted; location and instruction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of two hundred feet (200'). The Planning Commission or City Council may require additional information or drawings (such as building floor plans), operating data and expert evaluation or testimony concerning the location, function and characteristics of any building or use proposed.

2.03 SPECIFIC USE PERMIT REGULATIONS:

- A. In recommending that a Specific Use Permit for the premises under consideration be granted, the Planning and Zoning Commission shall determine that such uses are harmonious and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration, and shall make recommendations as to requirements for the paving of streets, alleys and sidewalks, means of ingress and egress to public streets, provisions for drainage, adequate off-street parking, protective screening and open space, area or security lighting, heights of structures, and compatibility of buildings. The Planning and Zoning Commission and City Council shall consider the following criteria in determining the validity of the S.U.P. request:
 - 1. Is the use harmonious and compatible with its surrounding existing uses or proposed uses?
 - 2. Are the activities requested by the applicant normally associated with the requested use?
 - 3. Is the nature of the use reasonable?
 - 4. Has any impact on the surrounding area been mitigated?
- B. In granting a Specific Use Permit, the City Council may impose conditions which shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the building official for use of the building on such property pursuant to such Specific Use Permit and such conditions precedent to the granting of the certificate of occupancy. Any special conditions shall be set forth in writing by the City Council prior to issuance of the Certificate of Occupancy.
- C. No Specific Use Permit shall be granted unless the applicant, owner and grantee of the Specific Use Permit shall be willing to accept and agree to be bound by and comply with the written requirements of the Specific Use Permit, as attached to the site plan drawing (or drawings) and approved by the Planning and Zoning Commission and City Council.
- D. If required, a building permit shall be applied for and secured within six (6) months from the time of granting the Specific Use Permit, provided however, that the City Council may authorize an extension of this time upon recommendation by the Planning and Zoning Commission. After six (6) months from the date of approval has elapsed, the Planning and Zoning Commission and City Council may review the site plan for continued validity. If the site plan is determined invalid, the property

owner(s) must submit a new or revised site plan for approval prior to any construction or application for building permit for the area designated for the Specific Use Permit.

- E. A building, premise, or land used under a Specific Use Permit may be enlarged, modified, structurally altered, or otherwise changed provided the changes do not:
- Increase the height of structures, including antenna support structures.
 - Increase building square footage from its size at the time the original Specific Use Permit was granted by greater than ten (10) percent;
 - Reduce the distance between a building or noise-generating activity on the property and an adjacent, off-site residential use. This provision shall not apply should the property and the residential use be separated by a major thoroughfare depicted on the City's Thoroughfare Plan; or
 - Reduce the amount of open space as indicated on the previously approved zoning exhibit.

All other enlargements, modifications, structural alterations, or changes shall require the approval of a new Specific Use Permit. Antennas may be placed on a tower with an existing Specific Use Permit without approval of a separate Specific Use Permit subject to approval of a final plat and site plan for the property (ZA2001-0009).

- F. The Board of Adjustment shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the specific land use designated by any Specific Use Permit.
- G. When the City Council authorizes granting of a Specific Use Permit, the Zoning Map shall be amended according to its legend to indicate that the affected area has conditional and limited uses, and said amendment is to indicate the appropriate zoning district for the approved use and prefixed by an "S" designation. Specific Use Permits granted shall be indicated by numerical designation on the Zoning District Map. Article VI, Appendix 3 of this Ordinance shall list by the numerical designate each SUP and the conditions of approval. Specific Use Permits are issued to the property.
- H. Upon holding a properly notified public hearing, the City Council may amend, change, or rescind a specific use permit if:
1. There is a violation and conviction of any of the provisions of this ordinance or any ordinance of the City of Frisco that occurs on the property for which the Specific Use Permit is granted.
 2. The building, premise, or land used under a Specific Use Permit is enlarged, modified, structurally altered, or otherwise significantly changed without approval of a separate Specific Use Permit for such enlargement, modification, structural alteration, or change.
 3. Violation of any provision of the terms or conditions of a Specific Use Permit.
 4. Ad valorem taxes on the property are delinquent by more than six (6) months.
 5. The Specific Use Permit was obtained by fraud or with deception.

2.04 **SPECIFIC USE PERMIT FOR PRIVATE CLUBS**

- A. A Specific Use Permit approved by the City Council is required before any Private Club is allowed to operate within Frisco.

A Private Club shall not be located within three hundred (300) feet of the property line of any church, public or parochial school, hospital, extended care facility, or public park, except that this prohibition will not apply to property located within three hundred (300) feet of a public park if the City Council affirmatively finds that the issuance of the Specific Use Permit will not be detrimental or injurious to the public health, safety or general welfare or otherwise be injurious to the inhabitants.

The three hundred (300) feet shall be measured in a straight line from the front door of the premises to be permitted to the nearest property line of said church, public or parochial school,

hospital, extended care facility, or public park.

B. Private Clubs shall be restricted to the following zoning districts:

1. Original Town (OT) district;
2. Contiguous Retail (R) districts collectively comprising thirty (30) acres or more;
3. Contiguous Office-2 (O-2) districts collectively comprising thirty (30) acres or more;
4. Contiguous Commercial-1 (C-1) districts collectively comprising thirty (30) acres or more;
5. Contiguous Commercial-2 (C-2) districts collectively comprising thirty (30) acres or more;
6. Highway (H) district; and
7. Planned Developments (PD) districts with base zoning of Original Town (OT), Retail (R), Office-2 (O-2), Commercial-1 (C-1), Commercial-2 (C-2), or Highway (H) and collectively comprising thirty (30) acres or more.
8. Agricultural (A), Residential Estate (RE), Single-Family-1 (SF-1), Single-Family-2 (SF-2), Single-Family-3 (SF-3), Single-Family-4 (SF-4), Single-Family-5 (SF-5), Single-Family-6 (SF-6), Patio Home (PH), Townhome (TH), Two-Family (2F), Multi-Family-1 (MF-1), Multi-Family-2 (MF-2), and Industrial (I) as an accessory use when in conjunction with the operation of a golf course.

Land that qualifies for a Private Club Permit may be added to other land that qualifies for a Private Club Permit to comprise the minimum acreage set forth above.

C. The following limitations are established for the issuance of a Special Use Permit for Private Clubs within the following zoning districts.

1. For the Retail, Office-2, Commercial-1, Commercial-2, Highway, and Planned Development districts referred to above, Special Use Permits may be issued in accordance with the following:
 - a. No more than two (2) Specific Use Permits shall be issued for a collective area of contiguous land which is greater than thirty (30) acres but less than or equal to sixty (60) acres.
 - b. No more than four (4) Specific Use Permits shall be issued for a collective area of contiguous land which is greater than sixty (60) acres but less than or equal to eighty (80) acres.
 - c. An unlimited number of Specific Use Permits may be issued for a collective area of contiguous land greater than eighty (80) acres.
2. A shopping center containing more than five hundred thousand (500,000) square feet of covered shopping space may have an unlimited number of Specific Use Permits issued.
3. A Country Club may not be issued more than one (1) Specific Use Permit.

D. The permittee shall comply with all of the provisions of the Texas Alcoholic Beverage Code as it exists or may be amended and the permittee must receive a Private Club Permit from the State of Texas within six (6) months from the date of issuance of the Specific Use Permit by the City or the permit is null and void, each such limitation and time being subject to extension by the City Council, at its sole discretion.

The City Council may provide for such other conditions and restrictions which the City may determine at the time of granting the Specific Use Permit that are necessary to protect and provide for the health, safety, and general welfare of the community. Each Specific Use Permit issued shall be subject to review based upon the recommendation of the City staff.